

1. Producer and Cargill understand that the parties have discussed and agreed that, assuming Producer operates within the assumptions stated below, Producer may be able to realize, for the pigs sold and purchased under this Request, a return per pig space per year (this number hereinafter the "Annual Return") as stated on the matrix prepared by Cargill for Producer. The Annual Return is based upon Cargill's matrix developed for Producer, including the current assumption for feeding programs which include complete, concentrate or base mix swine feed products, as appropriate, a copy of which is attached as Exhibit D. Producer confirms, by signing this Request, that Producer has seen a copy of this matrix, Producer understands it, and has had an opportunity to discuss same with a Cargill representative to Producer's satisfaction, including but not limited to the assumptions behind the matrix and the operation of the matrix which leads to the calculation of the Annual Return.

a. Cargill reserves the right, in its sole discretion, to update or amend the matrix from time to time as market or other conditions may dictate.

b. **CARGILL DOES NOT GUARANTEE THE ANNUAL RETURN TO THE PRODUCER.** If this Request provides for less than three consecutive Turns, and thus less than one full year of feeding and finishing Cargill PorkWorks Pigs by Producer, Producer's actual return per P2 Pig will more than likely be reduced below the Annual Return in a similar proportion. WHILE CARGILL BELIEVES THAT THE PRODUCER WOULD HAVE THE POTENTIAL TO REACH THE ANNUAL RETURN BASED UPON, AMONG OTHER THINGS, CARGILL'S KNOWLEDGE OF PRODUCER'S OPERATIONS, PRODUCER'S ACTUAL RETURN PER PIG SPACE PER YEAR MAY VARY FROM THE ANNUAL RETURN. FURTHER, THE ANNUAL RETURN ASSUMES, AMONG OTHER THINGS, THE FOLLOWING, OVER WHICH CARGILL HAS NO CONTROL:

1. that Producer forwards contracts for the sale of the pigs delivered under this Request on or about the same date that Cargill prices the pigs to the Producer,

2. that Producer fixes its feed requirements and prices on or about the date of delivery of the pigs, and

3. that Producer exercises sound and generally accepted animal husbandry practices in the care, management and feeding of the pigs, and that Producer does not experience any unanticipated health problems. The failure of the Producer to operate within these assumptions will make the matrix and the calculation of the Annual Return essentially meaningless.

#### **E. Rescheduling and Cancellation.**

1. Notwithstanding anything to the contrary as set forth in any other Section of this Request, both Cargill and Producer have the right to delay a Single Fill